



Yates County Planning Board Referral Form

Referral #
County Use Only 2016-47

Date Received 09/15/2016

Revised 9/2016

Municipality and Referring Agency Town of Jerusalem Planning Board

Project Address 3103 Skyline Dr. Penn Yan, NY 14527 Project Tax Map # 72.82-1-7.12

Zoning District Agricultural-Residential & Scenic Overlay District

Applicant (Name & MAILING) Stephen & Denise Simshauser (Skyline Trading Post)
3103 Skyline Dr. Penn Yan, NY 14527 Email Phone (315-536-4640)

Property Owner (Name & MAILING) Stephen & Denise Simshauser
3103 Skyline Dr. Penn Yan, NY 14527 Email Phone (315-536-4640)

Reason for Referral (Prox. to Cty Rd., State Rd., Muni Boundary, etc.) Within 500 ft. of County Rte 25
(Assembly Ave.) and within 500 ft. of NYS Rte 54A

Application Type

- Area Variance
- Use Variance
- Special Use Permit
- Site Plan
- Subdivision
- Text Amendment
- Map Amendment
- Other

Project Description

Upgrading Special Use Permit (Phase 2)
All changes for the upgrade are within the building -
Original Special Use granted in 2004 and since the original
Special Use was granted, the Town has adopted the
Scenic Overlay District which covers this property.

Supporting Documents Required (IF N/A, include explanation)

- Municipal Application
- Tax Map or Plat
- SEQR
- Site Plan *
- Variance Criteria **
- Subdivision Plat For Subdivision Referrals Only
- Other

Proposed floor plan update.

*If Site Plan Review, Site Plan **MUST** be detailed and meet the municipal requirements.

All Variance referrals (Area/Use) **MUST include detailed justifications associated with reason/s for appeal.

Certification: *With the following signature I certify that this application provides a complete description of the proposed local action and is a complete application pursuant to NYS General Municipal Law Article 12b, Section 239-m, part c.*

Elaine Neuhoff Secretary, Referring Official



Provision of required information is the responsibility of the referring agency. Failure to provide such information may result in a significant delay in processing.

Submit To: Yates County Planning Department, tcutler@yatescounty.org or 417 Liberty St. Suite 1093, Penn Yan, NY 14527

APPLICATION FOR AN AREA VARIANCE

To enable the Zoning Board of Appeals to grant an area variance, the applicant should address the five factors listed below. Attach additional sheets if necessary. The Zoning Board of Appeals will consider these five factors when balancing two elements: (1) the benefit to the applicant from the variance and (2) the detriment to the health, safety and welfare of the community or neighborhood that would occur if the variance were to be granted.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the grant of the variance.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than an Area Variance.

3. Whether the requested variance is substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district.

5. Whether the alleged difficulty was self-created.

Applicant Signature: _____

Date: _____

Application For a Use Variance

To enable the Zoning Board of Appeals to grant a use variance, the applicant must demonstrate to the Zoning Board of Appeals that the zoning has caused unnecessary hardship, which is defined to require a showing that the following four items are true. Attach additional sheets if necessary.

1. That under the applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property, (the applicant must provide dollars and cents proof)

2. That the hardship is unique, and does not apply to a substantial portion of the district neighborhood.

3. That the variance will not alter the essential character of the neighborhood.

4. That the hardship is not self created.

Applicant Signature _____

Dated _____

Phase 2

Application # 1080 original Application in
2004 # 807

- 1 Remove Existing convenience store
- 2 Install new bar
- 3 Expand seating from 57 seats to 80 as per ceo
- 4 Plenty of existing parking
- 5 Increase hours from 6am to 1130 pm
- 6 No live music
- 7 We are attempting to increase our dinner traffic
- 8 Add liquor license to our beer and wine license
- 9 Continue to sell milk eggs and bread
- 10 Add 2 more televisions

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
SKYLINE TRADING POST			
Name of Action or Project:			
SKYLINE TRADING POST PHASE 2			
Project Location (describe, and attach a location map):			
3103 SKYLINE DR			
Brief Description of Proposed Action:			
REMOVE EXISTING CONDUANCE STORE AND INSTALL A BAR WITH A LIQUOR LICENSE CHANGE HOURS TO 6:00 AM TO 11:00 PM			
Name of Applicant or Sponsor:		Telephone: 315 694 0935	
STEPHAN & DENISE SIMSHAUSEN		E-Mail: SIM121250@YAHOO.COM	
Address:			
137 OYDEN ST			
City/PO:		State:	Zip Code:
DEWA YAN		NY	14527
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO YES
If Yes, list agency(s) name and permit or approval: NYS LIQUOR AUTHORITY			<input type="checkbox"/> <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.006 acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>EXISTING</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>STEPHAN SIMSHAUSER</u>		Date: <u>9/8/16</u>
Signature: <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

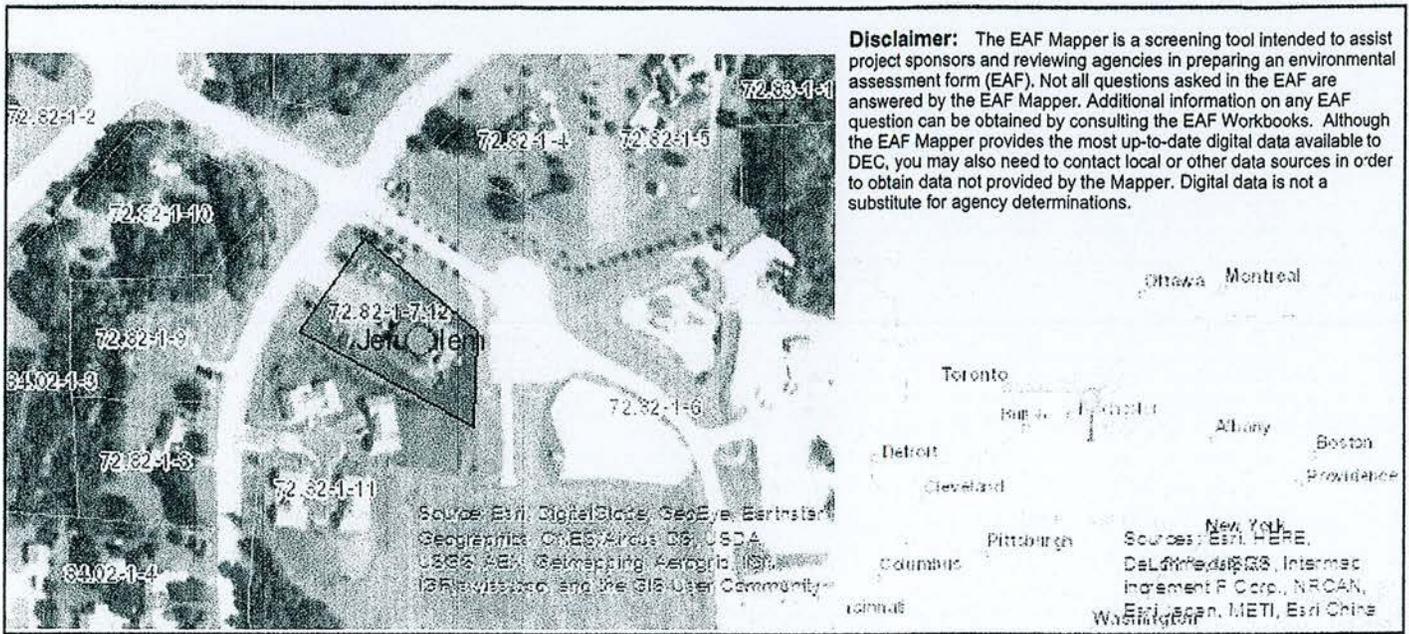
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT



Part 1 / Question 7 [Critical Environmental Area] No

Part 1 / Question 12a [National Register of Historic Places] No

Part 1 / Question 12b [Archeological Sites] No

Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.

Part 1 / Question 15 [Threatened or Endangered Animal] No

Part 1 / Question 16 [100 Year Flood Plain] Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

Part 1 / Question 20 [Remediation Site] No

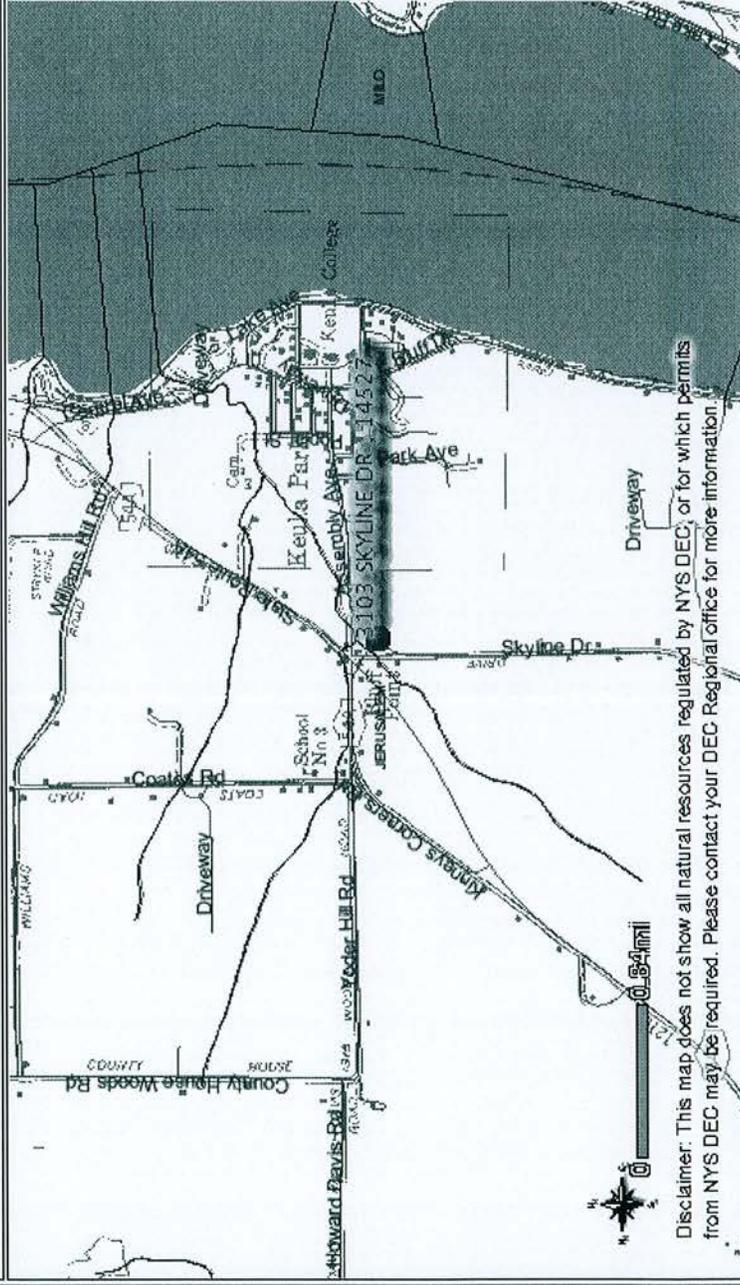
Part 1/Question 13a : The Stream shown on the DEC map is Classified as an AA Stream which means that it is protected. It is not affected directly by this project since Skyline Trading Post is located on on the east side of Skyline Dr. and Assembly Ave. and the Stream is on the west side of these roads. Skyline Trading Post is also on public water and public sewer. (see attached map from GIS).

Part 1 / Question 16 : This property is not located in the 100 year Flood Plain, See attached Flood Insurance Rate Map Panel 10 having Community No. 360959 C dated January 20, 1984. This property is located in Zone C.

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Please set your printer orientation to "Landscape".

Skyline Trading Post - Primary Stream nearby



Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.

MinX: 325664, MaxX: 329415, MinY: 4721352, MaxY: 4718714

Tell Me More About Streams, Rivers, Lakes and Ponds

[back] [print page] [close window]

Classification Information

Disclaimer: These digital water quality classifications are an unofficial version of the State's water quality classifications. For the official version please refer to [Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York \(6NYCRR\) Part 800 et seq.](#) The water quality classifications have been developed by the Department of Environmental Conservation, Division of Water from the most current sources available. Where there were inconsistencies in the maps the most current representation has been used. These data have not been submitted to the Department of State and they are not official classifications. However, they are largely consistent with the official regulations. Therefore, the public should not make any business decisions and/or financial commitments based on the water quality classification data until they have secured the necessary permissions from the Department of Environmental Conservation.

These maps show the water quality classifications of New York's lakes, rivers, streams and ponds, collectively referred to as water bodies. All water bodies in the state are provided a water quality classification based on existing, or expected best usage, of each water body or water body segment.

The following list provides summarized definitions of classifications only. See [Classifications - Surface Waters and Groundwaters](#) for complete definitions.

1. The classifications A, AA, A-S and AA-S indicate a best usage for a source of drinking water, swimming and other recreation, and fishing.
2. Classification B indicates a best usage for swimming and other recreation, and fishing.
3. Classification C indicates a best usage for fishing.
4. Classification D indicates a best usage of fishing, but these waters will not support fish propagation.
5. Classification SA (marine waters) indicates a best usage for shellfishing for market purposes, swimming and other recreation, and fishing.
6. Classification SB (marine waters) indicates a best usage for swimming and other recreation, and fishing.
7. Classification SC (marine waters) indicates a best usage for fishing.
8. Classification I (marine waters) indicates a best usage for secondary contact recreation, and fishing.
9. Classification SD (marine waters) indicates a best usage for fishing, but these waters may not support fish propagation.

Waters with classifications AA, A, B and C may be designated as trout waters (T) or suitable for trout spawning (TS). These designations are important in regards to the standards of quality and purity established for all classifications. See the [DEC Rules & Regulations](#) and the [Water Quality Standards and Classifications](#) page on the NYSDEC web site for information about standards of quality and purity.

When you use the **Environmental Resource Mapper** to identify a classified water body, your selection results will return three pieces of information:

- Classification - The water quality classification based on existing, or expected best usage (see above list).
- Standard - The standards of quality and purity established for all classifications (A, B, C, etc.). The symbol (T or TS) after any classification means that designated waters are trout waters (T) or suitable for trout spawning (TS). See the [DEC Rules & Regulations](#) (parts 800-941) for a complete definition.
- Regulation - The Part and Item from the [DEC Rules & Regulations](#), separated by a dash.

Note that not all water bodies appear on these maps. However, the missing water bodies will always have a classification. Water bodies that do not appear on these maps and have flow all year (perennial flow) have the classification of the water body they flow in to. Water bodies that do not appear on these maps and have flow only seasonally (intermittent flow) have a classification of "D." Since it may be difficult to determine if a water body has perennial or intermittent flow, please contact your DEC Regional Office if there is any doubt. DEC has the final authority to determine if a water body has perennial or intermittent flow.

For additional information about NYSDEC's Water Quality Classification program, please see the [Water Quality Standards and Classifications](#) page on the NYSDEC web site.

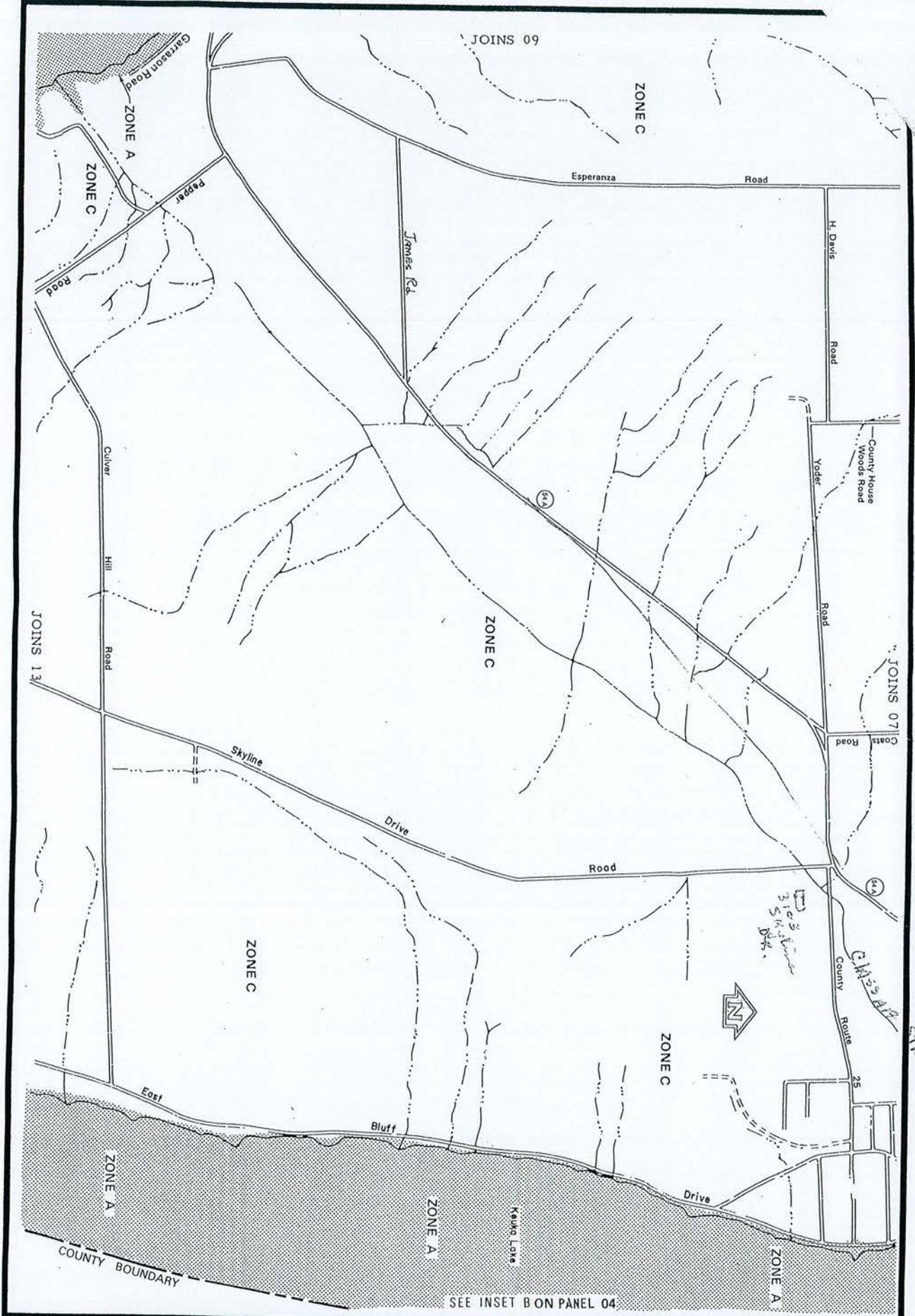
Permit Information

Under New York State's Environmental Conservation Law (ECL), Title 5 of Article 15, certain waters of the state are protected on the basis of their classification. Streams and small water bodies located in the course of a stream that are designated as C (T) or higher (i.e., C (TS), B, or A) are collectively referred to as "protected streams". A Protection of Waters Permit is required to physically disturb the bed or banks of any stream with a classification standard of C (T) or higher.

Small ponds and lakes with a surface area of 10 acres or less, located within the course of a stream, are considered to be part of a stream and are also subject to regulation under the stream protection category of Protection of Waters.

A Protection of Waters permit is also required when excavating or placing fill in navigable waters of the state, below the mean high water level, including adjacent and contiguous marshes and wetlands. Navigable waters include lakes, rivers and other waterways and water bodies on which water vessels with a capacity of one or more persons are operated or can be operated. Waters that are surrounded by land held in single private ownership at every point in their total area are exempt from this requirement.

For additional information about NYSDEC's Protection of Waters Program, please see the [Protection of Waters Program](#) page on the NYSDEC web site.



federal emergency management agency
TOWN OF JERUSALEM, NY
 (YATES COUNTY)

APPROXIMATE SCALE
 1000 0 1000 2000 3000 FEET

FLOOD INSURANCE RATE MAP
 COMMUNITY NUMBER 360959 C

EFFECTIVE DATE
 JANUARY 2010

MAP 10

Window

60

EXISTING KITCHEN

40 DOOR

EXISTING COUNTER

TABLE + CHAIRS

EXISTING

DIVIDING WALL

TABLE TABLE TABLE

TABLE + CHAIRS

NEW BAR

NEW BAR

EXISTING WALL MOUNTED COOLER

UTILITY ROOM

EXISTING WOMEN'S ROOM

EXISTING MEN'S ROOM

HALV

DOOR

FRONT DOOR

Window

6 Windows

EXISTING
KITCHEN

40
DOOR

UTILITY
ROOM

EXISTING
WOMEN'S
ROOM

EXISTING
MEN'S
ROOM

WALK

EXISTING
COUNTER

EXISTING
TABLES & CHAIRS

Coffee counter

EXISTING
DIVIDING WALL

Coffee counter

EXISTING
WALL & COOLER

DOOR

windows

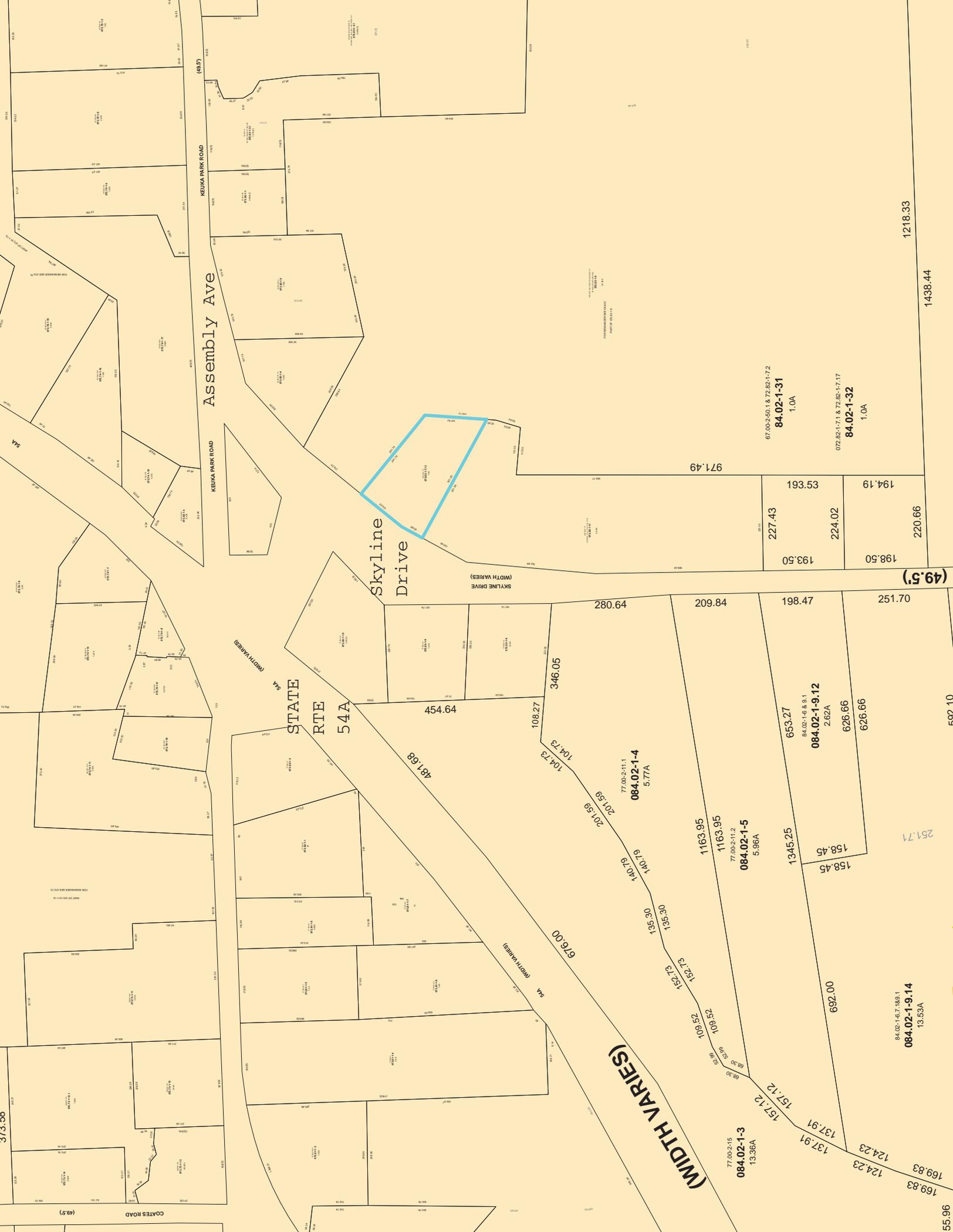
TABLES & CHAIRS

COUNTER
EXISTING
SCISSORS

FRONT
DOOR

window

windows



Assembly Ave

Skyline Drive

STATE RTE 54A

KEUKA PARK ROAD

KEUKA PARK ROAD

(WIDTH VARIES)

(WIDTH VARIES)

(WIDTH VARIES)

(49.5')



971.49

67.00-560.1 & 72.82-1-72

84.02-1-31

1.0A

072.82-1-71 & 72.82-1-717

84.02-1-32

1.0A

193.50

227.43

193.53

224.02

198.50

194.19

220.66

1438.44

1218.33

454.64

481.68

108.27

104.73

104.73

201.59

140.79

135.30

152.73

152.73

109.52

108.93

68.30

62.99

157.12

137.91

137.91

124.23

169.83

169.83

592.00

626.66

626.66

280.84

206.84

198.47

251.71

151.70

592.10

77.00-2-11.1

084.02-1-4

5.77A

77.00-2-11.2

084.02-1-5

5.96A

84.02-1-6 & 8.1

084.02-1-9.12

2.62A

84.02-1-8, 7.183.1

084.02-1-9.14

13.53A

373.00

(49.5')

COATES ROAD

CONNECT EXPLORER

